Point of Order *re:* continuance of official business on a non-official business day.

Mr. P. Kumaran Ezhuthassan.—On a point of order, Sir. We have been served with a summons to attend this session and as required under the rules, we have been supplied with a provisional agenda which says that the first two days of the sitting will be devoted for official business and the remaining three days for non-official business. In pursuance of that, and under S.O. 6 a detailed agenda has been placed before us and all items of Government business posted for consideration during this sitting have been alloted for the first two days and all the non-official business tabled for only non-official discussion during the meeting are alloted to the last three days commencing from to-day. We are therefore entitled to have all the three days commencing from to-day for consideration of non-official business., which we find to be innumerable from the Agenda that is supplied. So it will be to the prejudice of the non-official business tabled for discussion that the discussion of official businessposted for yesterday and the day before yesterday is carried over to to-day. Under the revised S. O. 6 I conceed that the Diwan has the power to change the order of business for the meeting in which case probably Government business could be carried to day. This evidently has not been done. S. O. 8 also will not avail the Government. It is to point out this that I have raised this point of order. For these reasons I request that the Chair may be pleased to consider this and give a ruling which will uphold the rights of the non-officials.

President.—What does the Law Member say?

Mr. Thomas Manjuran.—S. O. 8 is the one bearing on this matter. It deals with arrangement of business. "All business appointed for any day and not disposed of on that day shall stand over until the next day of the meeting available for business of the class to which it belongs or such other day in the meeting so available as the member in charge may desire". Under S. O. 71 "The President shall have power to regulate the conduct of business in the Council in all matters not provided for in the Regulation, the rules or the Standing Orders". The question is, if the official business has not been completed, whether the President can exercise power under S. O. 71. If he can do so, he may do so. These are things entirely left to the Chair.

Mr. K. Ayyappan.—S. O. 71 refers to matters not provided for in the Regulation, rules or Standing Orders.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Thomas Manjuran.—I may also bring to the notice of the Chair that it has been the practice of this House to carry on the business of the previous day to the next day, in the order of precedence till it is over. Under the law as it stands, the point of order may, probably, be correct.

Mr. A. Sankara Menon.—Surely correct.

Mr. Thomas Manjuran.—I am not ruling. I am only giving my opinion. If the Hon'ble Members insist on their business being taken up first I have nothing to say. But Government business must be gone through, so that they will be reluctantly compelled to revise the Agenda and fix tomorrow and day after if necessary for official business.

Mr. George Chakyamuri.—For that also you require our co-operation. Why do you threaten us?

Mr. Thomas Manjuran.—I am not threatening. I only pointed out that Government will be reluctantly compelled to revise the Agenda so that the House may be aware of it before hand.

Mr. George Chakyamuri.—We also will be compelled to do something else.

Mr. A. Sankara Poduval.—Rather than break off in the middle of the matter, I suggest that the opinion of the House may be taken to complete this matter.

Mr. P. Kumaran Ezhuthssan.—There is no rule to do that.

Mr. A. Sakara Poduval.—I think the whole House can sanction that. I suggest that with the sanction of the House we can complete this business.

Mrs. Swaris.—May I submit, Sir, that the President may rule in anticipation of the sanction of the Diwan (Laughter).

Mr. Thomas Manjuran.—I believe the objection would still prevail even if the House sanction such a procedure.

President.—I think the House wants a ruling on this point. Standing Order 8 is: "All business appointed for any day and not disposed of on that day shall stand over until the next day of the meeting available for business of the *class* to which it belongs". The business which was adjourned yesterday was legislative business and to-day also we are going to continue legislative business and therefore the taking up of the official part of yesterday's legislative business is in order.

LIBRARY ARCHIVES Kerala Legislative Assembly

The Cochin Press and Registration of Books Regulation Amendment Bill.—*contd.*

Mr. Thomas Manjuran.—Sir, yesterday when the House rose I was dealing with some of the arguments advanced by the Hon'ble Members on that side of the House for recommittal of this Bill. I was trying to meet particularly an argument advanced by the Hon'ble Member for Cheruthuruthi that there is danger of abuse by the authorities if this bill is passed into law and that it may be used in a discriminating manner to discriminate against some people and may cause some harm. I believe I have said enough with regard to that particular aspect. All that I need say further in that connection is that no such fear need exist. The very form of this Bill and the circumstances under which this Bill came into existence would show that Government have absolutely no such idea in their minds.

Now let us consider for a moment the question directly and pertinently put by the Hon'ble Member for Chittur, whether there is a case made for the introduction of such a measure. That is after all the point most relevant. Let us first consider the circumstances amidst which we are situated. Our geographical position, unfortunately is bound to have some reaction on a matter like this. We are surrounded by neighbours who have on their Statute Book, measures identical with this one. The safeguards we are attempting to introduce here, however, do not exist there. In British India this provision has been existing for a very long time. Far more rigorous penalties are prescribed in British Indian Postal Act VI of 1898. Sections 20 and 62 are the relevant sections. Section 20 says that "No person shall send by post—

a) any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card or any other indecent or obscene article or

b) any postal article having thereon or on the cover thereof any words, marks, or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character". We have got this word by word in our bill. Although this was standing on the Statute for the last 36 years it is worthy of note that nobody have cared to see to raise any voice against that measure.

Mr. K. Ayyappan.—What is the penalty there?

Mr. Thomas Manjuran:—It is something more rigorous. I shall read it: "Whoever in contravention of the provisions

LIBRARY ARCHIVES Kerala Legislative Assembly

of section 19 or section 20 sends or tenders or makes over in order to be sent by post any postal article or anything, shall be punishable with imprisonment for a term which may extend to one year or with fine or with both"-unlimited fine.

Here what is provided for is 6 months imprisonment and fine of 500 rupees. But far more drastic provisions exist there. That law has been in the British Indian Statute Book for the last 36 years and nobody ever cared to grumble against the existence of such a law, while on the other hand we have been hearing outbursts from time to time about the various press acts and the various other laws which were introduced with regard to publicists and publications. How is that? Because the enlightened public opinion of British India, just as enlightened public opinion all over the world, never cared to protest against a law which was essentially intended for the protection of the decency and purity.

Mr. K. Ayyappan—Are you sure that there was no protest?

Mr. Thomas Manjuran.—I have never heard of a protest for several decades.

Mr. K. Ayyappan.—Are you quite sure about it?

Mr. Thomas Manjuran—I am not aware of any protest and I have been reading the Indian daily, for at least 25 years without any break. For the last 25 years I can speak on the matter. Was there any attempt to amend that law?

Mr. A. Sivarama Menon.—We may assume that there was no protest. It makes no difference.

Mr. Thomas Manjuran:—Nor was that law original to India. Because from ancient times laws precisely on the same terms have been existing in England, the land of liberty. If we can follow England in these matters, we could do well. Yesterday it was stated by one Hon'ble Member that in the absence of such a provision in England why should we followit? Unfortunately such a provision exists in England. In America it exists.

Mr. K. Ayyappan.—Are the provisions you read from the repealed or unrepealed regulations?

Mr. Thomas Manjuran:—You seem to be not fully satisfied. Please look into this book.

(The Book was handed over for inspection)

Mr. Joseph Pettah.—On a point of information, which is the law contemplating the confiscation of the things sent by post?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Thomas Manjuran:—You object to the confiscation and not the punishment? Please pass the book over to him after you have done with it.

Mr. A. Sivarama Menon.—Does the existence of a postal law elsewhere help us in any way in our legislating for the control of the presses?

Mr. Thomas Manjuran.—It does not make any difference whether these provisions exist in the press law or in the postal law. It is all the same. Now we shall consider why it was introduced in this Bill rather than in a bill to amend the Anchal Regulation. In the Travancore Anchal Regulation this provision did not exist originally. At the time this was introduced in the Travancore Press Regulation it was considered whether it was not more appropriate to introduce it in the Press Regulation rather than in the Anchal Regulation. The Travancore Government thought that it would be more appropriate to introduce it in the Press Regulation. At any rate it was thought that no harm would come by so doing. They therefore introduced it in the Press Regulation. I would invite the attention of the Hon'ble Members to the statement made in the Travancore Council by the Law Member, when these sections were introduced.

"Sections 9 and 21 do not find a place in the British Indian Press Law but they are taken from the present Postal Act of the Government. Both in the objects and reasons of this Bill and in the remarks which I had the honour of addressing you at the last meeting I explained that by Regulation IV of 1076 the Postal Law of British India has been adopted as one of our own laws and this is done for the management and control of the British Post Offices which have of late been so profusely established all over the country. If we had no other kind of Post Offices there would have been no necessity for any other special legislation but we have our own State Anchal and we have also a separate law regulating it. That law runs almost on all fours with the British Act VI of 1898 and the few points of difference which exist between the two have to be corrected by legislation, so that what is controlled through one set of offices might not be left uncontrolled through the other. Sections 9 and 21 of the Bill are simply adaptations of 20 and 61 of Act VI of 1898 and so far as the penalties are concerned, I have tried to make them more definite and lenient than those laid down in the British Act. By section 61 above referred to no limit is put on the fine to be inflicted nor is it stated whether the imprisonment to be awarded is to be simple or rigorous for

LIBRARY ARCHIVES Kerala Legislative Assembly

an offence under section 20 of the British Postal Act. I have in this Bill put a maximum limit to the fine and declared that the imprisonment shall not be rigorous.

It might be said that, if these two sections are necessary they ought to find a place in the Anchal Regulation. Government do not at present contemplate any amendment of the Regulation and as it so happens that there is already before the Council another piece of legislation in which these provisions can fittingly find a place, it has been thought expedient to put them in there."

That is to say although it might come under the Anchal Regulation the Government thought it would be as well if it comes here. Whether it comes in the Anchal Regulation or in any other Regulation its validity is the same and there cannot be any difference in principle. I may add that this law exists in England-Halsbury's Volume 22 Page 664. They are under the Post Office Act of 1908 (8 Edward 7 C 48) Section 16 which itself was an Act repealing the previous Act namely 47 and 48 Victoria. These identical provisions are there.

'Post Office Regulations may be made for preventing the sending or delivery by post of indecent or obscene prints, paintings, photographs, lithographs, engravings, books or cards or of other indecent or obscene articles or of letters, newspapers supplements, publications, packets or Post cards having thereon or on the covers thereof any words, marks or designs of an indecent, obscene, libellous or grossly offensive character.'

I do not know whether there is any advantage if it happens to be in the Post Office Act. Whether it is in the Post Office Act or in any other Act it would be operative. The effect would be absolutely the same. Apart from that objection, we are on the question whether the introduction of such a measure is an extraordinary one or unjustifiable one or is unworkable or unnecessary. Whether it is in the Anchal Regulation or any other Regulation, I submit, it absolutely makes no difference. The penalty is the same. In America we find it is not only obscene prints but communications about subjects containing false information regarding stocks is made penal. Of course I do not refer to countries like Russia and Germany where press liberty is almost unknown to-day. These countries are always spoken of as ideal ones by the Hon'ble Member for Cranganur.

Mr. K. Ayyappan.—Not in this respect.

Mr. Thomas Manjuran.—The same is the case with Italy, Germany and most other countries in Europe. In England

LIBRARY ARCHIVES Kerala Legislative Assembly

this law has been in existence from time immemorial. We shall follow the land of liberty in this respect. In England under the common law the punishment for publishing obscene literature is of a far far more serious nature than this. Hon'ble Members will please note that surrounded as we are by countries in which this law is in force, is it not natural to suppose that those people who have a grievance against their Governments and who want to ventilate their grievances in whatever obscene manner they choose may chose to cross the borders to Cochin? From extreme north to extreme south of our State is not more than 65 or 70 miles long. It is surrounded on the south by Travancore and on the north by the British Malabar. We had the other day the sorry spectacle of *Nivarthanam Vallahs* crossing to the State from the neighbouring countries and creating all sorts of troubles. Where is the guarantee that it will not recur?

Mr. A. Sivarama Menon.—Mr. President, with your leave I would like to be enlightened by the Hon'ble the Law Member why these provisions were not incorporated in the British Press Law and why they find a place instead in the Postal enactment. Even though it is included in the press law in Travancore, why is it that that practice is not followed elsewhere? I request the Hon'ble the Law Member not to assume that it makes no difference whether the provision is included in the Postal Law or in the penal law. The authorities to move in the matter in the two cases are entirely different. One is the postal authority and the other is the Government. That will make a world of difference.

Mr. Thomas Manjuran.—I have only one more word to add. From the view point of the public and of the State it is better that this provision is included in the press law rather than in the Anchal Regulation. It would be more safe to empower the Government than to invest the Anchal masters with these powers. Therefore in principle I fail to see any difference whatsoever. If there is any difference it is only an additional security for the Public. Whether it is in that compartment or this compartment does not make any difference. I can understand a complaint being brought if the power is given to the Anchal Superintendent instead of the power being placed in the hands of Government. So far as I can see the objections of the Hon'ble Members are merely imaginary.

Our geographical position is such that all the blackmailing journalists from the neighbourhood of Travancore and Malabar descend upon us and spread worthless trash in our State with impunity. Several Hon'ble Members will remember that they

LIBRARY ARCHIVES Kerala Legislative Assembly

themselves have been subjected to this sort of blackmailing, which is undeserved by them.

Mr. George Chakyamuri.—My question is what is the objection of the Hon'ble Member to recommit this Bill to a Select Committee?

Mr. Thomas Manjuran.—I am coming to that. I will deal with that straightway. I object to the recommittal for two reasons. First because the matter is urgent. Secondly there is no necessity. I shall deal with the second objection first. This Bill was dealt with by a Select Committe consisting of four of the leading non-officials including two editors, the Hon'ble Member for South Ezhuvas and the Hon'ble the nominated Member who is the editor of the old established Satyanadam, and such eminent men as the Hon'ble Member for Trichur and no less a person than our Deputy President-Elect. There were four or five officials also. This matter was given elaborate consideration and after hearing several representatives of presses and after mature deliberation this form was given to the Bill. There is already a substantial departure from the law as it exists in other countries. Ample safeguards have also been provided. These safeguards do not exist even in the land of freedom, the land of liberty, the land of the mother of Parliaments. That is the shape that is given to this Bill.

I shall state about the urgency. It may be known to the Hon'ble Members of this House that the publications that existed in our State some 12 months ago and which even continue today concentrate more upon attacking people, blackmailing individuals and so forth. A turn has now been given recently which is known to most of the Hon'ble Members here — I do not want to mention names—leaflets of a most threatening character were circulated against some of the most exalted persons in the State. I am sure the Hon'ble Members follow me. What was the situation? Some of the copies were received by the Heads of Departments. The matter was brought to the notice of the Government. But the Government could not stop the circulation because they had no power. Do the Hon'ble Members want that sort of papers to go on circulating unchecked?

Dr. A. R. Menon.—The best course left open is to ignore things as suggested by the Hon'ble the Law Member yesterday. I raised a similar point why action was not taken and I was told that the Government ignored. Because the paper is different.

Mr. Thomas Manjuran—It is very uncharitable for the Hon'ble Member for Cheruthuruthi to cast such aspersions. The

LIBRARY ARCHIVES Kerala Legislative Assembly

man attacked was different and not because the paper was different.

My argument is this. We are surrounded on all sides by countries that are armed with this law. Hence journalists in those places cannot function there in this form. They are coming to Cochin to ventilate their grievances. They spread here literature of a most objectionable form. The Government feel powerless to check the spread of these pamphlets because there is no law. That is the urgency, about which the Hon'ble Member for Pallaruthy asked.

I may in this connection remind the Hon'ble Members of this House of a certain parallel. There exists at Pallippuram a small British possession. It is only about 4 or 5 acres surrounded on the northern side by Travancore as the Hon'ble Member for Ezhuvas might know and surrounded on the south by Cochin. What is the purpose for which this little plot is used now? It is the scene of cockfighting, gambling, prostitution and several other vices. All these vices are openly going on there for the simple reason that there is nobody to look after that place. It is a place under nobody's jurisdiction. Now and then some officer, say once in six or eight months, pays a visit to that place, and goes away. The result is that there is practically no law reigning there because there is nobody to look after that place. In the absence of a law, as now proposed, Cochin will be rendered to be more or less in the same position with regard to the printing of publications. I hope Hon'ble Members appreciate my point. I have only to state that in the passing of such a measure the Hon'ble Members of this House should co-operate with the Government. The passing of such a measure is absolutely necessary for the Government to do its duty and in passing such a measure no civilised party including, I am sure, every Member of this House will ever blame the Government. That is the situation. I therefore respectfully exhort the Hon'ble Members of this House to consider and reconsider the matter before turning down the Bill, or introducing methods of delay. It is urgent for the Government to have this Bill passed straightway. The passing of this measure with the necessary safeguards in it will be passing a measure of a very democratic character. The Government will be eventually compelled to pass this measure any how. Therefore I request the Hon'ble Members not to try to recommit the Bill or obstruct it in any other manner. I once more request the Hon'ble Members to pass this measure which is certainly intended to secure the welfare of the State and not in any way to interfere with the liberty of any citizen.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Joseph Pettah.—Is there any provision for forefeiture under the Postal Act?

Mr. Thomas Manjuran.—The Government can forefeit under the Postal Act.

Mr. Joseph Pettah.—Can they stop further circulation?

Mr. Thomas Manjuran—Of course.

Dr. A. R. Menon.—Have you any objection in incorporating it in the Anchal Act?

Mr. Thomas Manjuran.—But for the loss of time we have absolutely no objection. If the Hon'ble Members want it I can incorporate it in the Anchal Regulation also.

Mr. George Chakyamuri.—Mr. President, Sir, I may be allowed to add a few words. I most heartily congratulate the Hon'ble the Law Member for the very able way in which he has presented his case. Unfortunately he has missed the point. We are not opposing the Bill. You are mistaking it. The motion is only for recommittal for considering over and over again by a Committee and all the arguments advanced except the last few words were in support of the Bill. I don't think anybody has said that the Bill should be thrown out.

Mr. Thomas Manjuran.—Nobody said anything else yesterday.

Mr. George Chakyamuri.—The whole argument is beside the point. According to him although he has quoted the conditions existing in the land of milk and honey, in the land of the mother of Parliament we do not agree with him. We are here to discuss whether this matter has to be recommitted to a Select Committee. On that point alone we oppose the position taken up by the Government. Personally speaking I am not satisfied with the arguments advanced by the Hon'ble the Law Member, in opposing the idea of recommitting the Bill. There is absolutely no hurry about the matter. We are meeting next month or the month after. This is a matter affecting the liberty of the press, a matter which is interesting to the whole State. We find enlightened non-official opposition to be so strong in a matter which is highly controversial. I suppose that it is the simplest proposition and the best thing for the Government also is to accept the position taken up by us and see that the matter is reconsidered. When the matter comes up before us after reconsideration there is nothing to show that we will not support the Bill. In fact as the Hon'ble the Law Member said at the outset I know as a matter of fact that this House was in favour of bringing in a bill. I know that a measure of

LIBRARY ARCHIVES Kerala Legislative Assembly

this sort is necessary to combat this tendency for throwing mud on respectable people. Not only myself, the Hon'ble Member for Cheruthuruthi also demanded that Government should legislate in this matter. Therefore there is nothing to show that we will not support this Bill when it comes back after reconsideration. The Hon'ble the Law Member need not have laboured so much.

Mr. Thomas Manjuran.—Where was the Hon'ble Member last evening?

Mr. George Chakyamuri.—Oh, I was here, but heard nothing. The Hon'ble Member need not have wasted his lungs and energy so much. It is a matter which vitally concerns the inhabitants of the State and one requiring mature consideration. It is only on that issue that I support the proposition for recommittal and I even request the Government side to reconsider the position they have taken up.

Mr. Thomas Manjuran.—I have stated the urgency. Had it not been for the urgency I would have no objection for recommittal. 95 per cent of the speeches made yesterday were not for recommittal but against the Bill altogether.

Dr. A. R. Menon.—We were thinking that there was something behind this Bill. We want to examine it in detail. All your interpretations upset our calculations, though the intention of the legislature was otherwise. That is the reason why we are very nervous. We want to be very certain and to see that no loopholes are left for you.

Mr. K. M. Ibrahim.—All the great lengths that have been traversed by my Hon'ble friend for Law have been, Sir, I regret to note, but a mere repetition of his original arguments, which we the non-officials were refuting both yesterday (and) today. I admit that it is a very clever way of catching votes. But I am sorry, Sir, that it has over reached its mark and is too clever to succeed. We have from this side already ventilated our objections in the matter and all of us on this side feel united in this position namely that we decline to arm an irresponsible Government with such extraordinary and dictatorial powers. That is the position. If the Government wanted the confidence of this House, to the extent of a sanction for assuming any of such extraordinary and dictatorial powers they must start with constructive things first. There have been one hundred and one occasions in which this House would have gladly voted dictatorial powers for them if only they would do substantial things

LIBRARY ARCHIVES Kerala Legislative Assembly

for the amelioration of the manifold distress and suffering of the majority of our people. But in all those cases they were always averse to accept the dictatorial powers which the non-officials were prepared to invest them with. So I say when they come in for penal laws alone and that too without a strong case there is all the more a reason why we should oppose that move. Just to give an example. Even in the agrarian question which according to my learned friend the Hon'ble Member for Revenue, the other day is within the range of his limited, practical things we do not know where we are standing now. I am afraid it is almost necessary to appoint a new Committee to find out where exactly that Antony report is lying now. The Antony Committee Report must be lying in some un-honoured waste paper basket. A new Committee will have to be appointed to un-earth the same (laughter). In such vital matters which according to even the Government are practical things why are they so very callous, postponing, and shelving? Why I ask, with reference to such penalising laws alone are they so very prompt and want extraordinary powers from us. This, I submit, we are not prepared to sanction. Why do you want deadly weapons and destruction alone? Why do you take so much delight in killing alone?

The Hon'ble Member for Law was referring to similar legislation in Travancore. But I ask whether the Hon'ble Member is aware of the tremendous outburst of public protest against that measure there.

Mr. Thomas Manjuran.—Not against that measure. That was against Regulation II of 1101.

Mr. K. M. Ibrahim.—Against coercive press laws there was a tremendous agitation in that country. There was a great public opinion against assuming by the Government of dictatorial powers of this magnitude. And then, Sir, we were very much delighted about the overenthusiasm and about the chivalry that emanated from that side for the sake of ladies. But I doubt, Sir, whether it is not high time now to consider whether they deserve at all weightage—championship of this liberal kind in view of the fact that they are so very advanced now-a-days and can very well stand on their own legs.

Mr. K. M. Ibrahim.—The Hon'ble the Law Member, struck a very civilized note when he said how a libellous and false charge against a section of the Government was wisely and judiciously ignored by the Government. Why not you extend the same spirit of real statesmanship and wisdom to the future

LIBRARY ARCHIVES Kerala Legislative Assembly

also. We congratulate him for having ignored such past instances of false and malicious charges against a section of the Government. We do admire him for that. But our humble proposition to him is why not he extend that tolerant spirit in his future policy also. Sir, we the non-officials stand strongly in this opposition against this kind of repressive measures. In the dissenting minutes of the Bill by the representatives of this side of the House, a former portion of which I have already read to the Council on a previous occasion, the view point of the non-officials has been made quite clear. I shall read the latter portion of the document so that it may act as a refresher to your memory and so that you may vote on this motion enblock. "It is unwise to bring in repressive legislation on account of fear of the recrudescence of an isolated and rare phenomenon as referred to in the history of the Press of Cochin. Obviously the Hon'ble the Law Member has not been able to bring out a case to show that it is not a scattered phenomenon or that it is being repeated again and again. With due respect I beg to submit that with all the great eloquence that came from that side he was not able to meet this vital point. Again, "On behalf of the Cochin Journalists Association' it was stated that the 'Association did condemn those scurrilous papers and such condemnation had the effect of minimising the circulation of some of them and led to their eventual death'. Nor was that point met by him." And further 'that our association will be able to do more than the proposed legislation'. "It is fair and statesmanlike therefore to permit this association, which, it is stated, is about 15 years old and is recognised by the Government to exert its influence and to introduce such provisions as embodied in sections 6, 7 and 8 when it is only seen that the association cannot bring under its influence editors who misuse the rights and privileges pertaining to their profession." "So no emergency has arisen in Cochin at present for the enactment of this law." None of these points have been met by the Law Member. Since this is such a burning question I move for recommittal of the Bill for which we have got in our support public sanction and the united public opinion in this country. I therefore move that the motion may be pressed to a division.

Motion put and it seemed it was carried.

Dr. A. R. Menon.—A Poll, Sir.

The House divided—Ayes 17, Noes 17 and Neutral 1.

LIBRARY ARCHIVES Kerala Legislative Assembly

Ayes.	Noes.
1 Mr. K. Ayyappan.	1 Mr. K. Achyuta Menon.
2 Mr. George Chakyamuri.	2 Mr. V. K. Aravindaksha Menon.
3 Mr. K. M. Ibrahim.	3 Mr. M. A. Chakko.
4 Mr. E. Ikkanda Warriar.	4 Mr. M. P. Cherian.
5 Mr. C. N. Ittiravi Nambudiri.	5 Mr. A. Eachara Menon.
6 Mr. Ismail Hajee Essa Sait.	6 Mr. P. Krishna Menon.
7 Mr. Joseph Pettah.	7 Mr. C. J. Mathew.
8 Mr. T. K. Nayar.	8 Mr. I. N. Menon.
9 Mr. P. Kumaran Ezhuthassan.	9 Mr. T. Narayana Menon.
10 Mr. Paul Mampilli.	10 Mr. P. Nilakanta Menon.
11 Mr. T. A. Ramachandra Ayyar.	11 Dr. D. Raghavendra Rao.
12 Dr. A. R. Menon.	12 Rama Varmha Tampuran.
13 Dr. K. Sankara Menon.	13 Mr. M. K. Raman
14 Mr. A. Sankara Poduval.	14 Mr. P. V. Raphael.
15 Mr. A. Sivarama Menon.	15 Mr. A. Sankara Menon
16 Mr. K. P. Vallon.	16 Mr. P. V. Subramania Ayyar.
17 Mr. P. C. Varkey.	17 Mr. Thomas Manjuran.

Neutral.

1. Mrs. Josephine Swaris,

President:—17 for and 17 against. I give my casting vote against the motion. So the motion is lost.

Motion was therefore negatived.

Mr. Thomas Manjuran.—I now move that the Bill may be put.

Mr. C. J. Mathew.—I second it.

Dr. A. R. Menon.—I oppose it.

Motion put and carried.

Mr. A. Sankara Poduval.—A poll, Sir.

The House divided - Ayes 17 and Noes 15.

Ayes.	Noes.
1 Mr. K. Achyuta Menon.	1 Mr. K. Ayyappan.
2 Mr. V. K. Aravindaksha Menon.	2 Mr. George Chakyamuri.
3 Mr. M. A. Chacko	3 Mr K. M. Ibrahim.
4 Mr. M. P. Cherian.	4 Mr. E. Ikkanda Warriar
5 Mr. A. Eachara Menon.	5 Mr. C. N. Ittiravi Nambudiri.
6 Mr. P. Krishna Menon.	6 Mr. Ismail Hajee Essa Sait.
7 Mr. C. J. Mathew.	7 Mr. T. K. Nayar.
8 Mr. I. N. Menon.	8 Mr. P. Kumaran Ezhuthassan.
9 Mr. T. Narayana Menon.	9 Mr. Paul Mampilli.
10 Mr. P. Nilakanta Menon.	10 Mr. T. A. Ramachandra Ayyar
11 Dr. D. Ragavendra Rao.	11 Dr. A. R Menon.
12 Rama Varmha Tampuran.	12 Dr. K. Sankara Menon.
13 Mr. M. K. Raman.	13 Mr. A. Sankara Poduval.
14 Mr. P. V. Raphael.	14 Mr. K. P. Vallon.
15 Mr. A. Sankara Menon.	15 Mr. P. C. Varkey.
16 Mr. P. V. Subramania Ayyar.	
17 Mr. Thomas Manjuran.	

LIBRARY ARCHIVES Kerala Legislative Assembly

Hence the following sections of the Bill were considered to have been put and carried.

Whereas it has become expedient to amend the Cochin Press and Registration of Books Regulation, VII of 1097, it is hereby enacted as follows:—

1. (1) This Regulation may be called the Cochin Press and Registration of Books (Amendment) Regulation of 1109.

(2) It shall extend to the whole of Cochin and it shall come into force at once.

2. (1) Introduce as clause (1) in section 5 of the Regulation, the following:—

"(1) Every copy of every such newspaper shall contain the name of the person who is the editor thereof printed clearly on such copy as the name of the editor of that newspaper."

(2) Re-number clauses (1), (2) and (3) of section 5 as clauses (2), (3) and (4) respectively and add the following proviso after clause (4).—

"Provided that no person who has not completed the age of eighteen shall be permitted to make the declaration prescribed by this section, nor shall any such person edit a newspaper."

3. Substitute the following section for the existing section 7.—

"7. In any legal proceeding whatever, as well civil as criminal, the production of a copy of such declaration as is aforesaid, attested by the seal of some Court empowered by this Regulation to have the custody of such declarations, or in the case of the editor, a copy of the newspaper containing his name printed on it as that of the editor shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose names shall be subscribed to such declaration, or printed on such newspaper, as the case may be, that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every newspaper whereof the title shall correspond with the title of the newspaper mentioned in the declaration, or the editor of every portion of that issue of the newspapers of which a copy is produced."

4. After section 8, introduce the following: –

"8A. If any person, whose name as appeared as editor on a copy of a newspaper, claims that he was not the editor of the issue on which his name has so appeared, he may within two weeks of his becoming aware that his name has been so published appear before a Magistrate and make a declaration that his name was incorrectly published in that issue as that of the editor thereof, and if the Magistrate after making such inquiry or causing such inquiry to be made as he may consider necessary is satisfied that such declaration is true, he shall certify accordingly and on that certificate being given the provision of section 7 shall not apply to that person in respect of that issue of the newspaper.

The Magistrate may extend the period allowed by the section in any case where he is satisfied that such person was prevented by sufficient cause from appearing and making the declaration within that period."

5. Insert the word 'edit' between the words 'shall' and 'print' in the first line, the word 'edit' between the words 'shall' and 'print' in the fifth

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line and the word 'edited' between the words 'be' and 'printed' in the sixth line of section 15.

6. Introduce the following as section 21 : —

"21. No person shall send by Anchal or circulate in any other manner or deliver for circulation to any agency or person whatsoever any book or newspaper wherever printed and published, which contains, or which has on its cover, any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character. Any book or newspaper sent, delivered or circulated in contravention of the above prohibition and after a warning has been given to the party so sending, delivering or circulating or who intends to send, deliver or circulate may, under the authority of the Government, be detained or captured and retained and disposed of as the Government think proper.

Explanation (1).—The warning referred to in this section may be given by the District Magistrate or by any other officer who is generally or specially empowered by the Government to do so and the warning shall be given in writing and any record kept by the person, so authorised to give warning, to the effect that any person has been given such warning will be conclusive evidence of the fact that such warning has been duly given.

Explanation (2). — The Government may authorise the Anchal Masters or such other Government servants or class of Government servants as they choose to effect the detention or capture and retention of books or newspapers mentioned in this section.

7. Introduce the following as section 22 :—

"22. Whoever, in contravention of section 21 of this Regulation and after being warned as contemplated by section 21, sends or tenders or makes over in order to be sent by Anchal or circulates or delivers for circulation in any manner whatsoever any book or newspaper, shall, on conviction before a District Magistrate or a Magistrate of the First Class, be punishable with fine not exceeding Rs. 500 or simple imprisonment for a term not exceeding 6 months or with both."

8. Introduce the following as section 23:—

"23. Any officer detaining any article sent by Anchal under the provisions of section 21 shall forthwith send by Anchal or Post to the addressee of such article notice of the fact of such detention.

(2) The Government shall cause the contents of any article detained under sub-section (1) to be examined and if it appears to the Government that the article contained any books or newspapers of the nature described in section 21, the Government may pass such orders as to the disposal of the article and its contents as it may deem proper and, if it does not so appear, shall release the article and its contents unless the same be otherwise liable to seizure under any law for the time being in force.

Proviso (1) Provided that any person interested in any article detained under the provisions of section 21 may within two months from the date of such detention apply to the Government for release of the same and the Government shall consider such application and pass such orders thereon as they may deem to be proper.

Proviso (2) Provided also that if such application is rejected, the applicant may within 2 months from the date of the order rejecting the application apply to the Chief Court for release of the article and its contents

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